

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAHBU BEHLIN,

Plaintiff,

-v.-

RITE AID PHARMACY STORE, *et al.*,

Defendants.

18 Civ. 4335 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

The Court is in receipt of Plaintiff's letter docketed on October 14, 2020, seeking leave to file an amended complaint. (Dkt. #77). Given the procedural posture of this case and the extensive work the parties have already invested in discovery and litigating this case, the Court requires that the parties provide more extensive briefing on Plaintiff's motion to amend. Under the operative case management plan, the last day to amend was March 1, 2020. (See Dkt. #58). Where "a scheduling order governs amendments to the complaint," and a plaintiff wishes to amend after the deadline to do so has passed, the plaintiff must show good cause to modify the deadline under Rule 16." *BPP Illinois, LLC v. Royal Bank of Scotland Grp. PLC*, 859 F.3d 188, 195 (2d Cir. 2017) (quoting *Holmes v. Grubman*, 568 F.3d 329, 334-35 (2d Cir. 2009)). "Whether good cause exists turns on the 'diligence of the moving party.'" *Holmes*, 568 F.3d at 334-35 (quoting *Grochowski v. Phoenix Constr.*, 318 F.3d 80, 86 (2d Cir. 2003)). Therefore, Plaintiff must demonstrate, pursuant to Federal Rules of Civil Procedure 15(a)(2) and 16(b)(4), that there is "good cause" for Plaintiff's delay in

filing an amended complaint nearly three years after initiating this suit, and despite having ample opportunity to do so at an earlier time.

Plaintiff's moving papers shall be filed on or by November 6, 2020; Defendants' opposition papers shall be filed on or by November 27, 2020; and Plaintiff's reply, if any, shall be filed on or by December 18, 2020. The Clerk of Court is directed to mail a copy of this Order to Plaintiff at his address of record.

SO ORDERED.

Dated: October 16, 2020
 New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge